

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

23 JUN 1993

THE SECRETARY - ROOM 222

IN REPLY REFER TO:
7310-10

RECEIVED

JUN 24 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

92-235/

Honorable Fred Upton
House of Representatives
2439 Rayburn Building
Washington, D.C. 20515-2206

Dear Congressman Upton:

Thank you for your letter of May 26, 1993, concerning the Commission's frequency coordination procedures. Your constituent, Merrill T. See, has various concerns about our rules and policies with regard to frequency recommendations.

Our current rules require applicants for most private land mobile radio stations to obtain a frequency recommendation from a certified frequency coordinator before applying to the Commission for a license. These private entities are generally representative of the applicants and, in most cases, are trade associations. While the system has been effective in terms of obtaining frequency assignments for applicants, the Commission has received complaints from some applicants who, like Mr. See, feel the performance of the coordinators is inadequate or that the fees charged by the coordinators are excessive.

We fully appreciate both Mr. See's concerns and his desire for an alternative to existing frequency coordination procedures. In fact, under current consideration is a proposal to supplement existing frequency coordination procedures with a "direct access" option. See Notice of Proposed Rule Making (Notice) in PR Docket No. 88-548, 4 FCC Rcd 6325 (1989). Please be assured that we are considering and addressing these issues, which have been raised by numerous commenters, including Mr. See, in response to the Notice. Additionally, the Commission's Inspector General recently completed an audit of frequency coordinator performance and user satisfaction. We are presently considering the Inspector General's recommendations and whether their implementation would improve oversight of coordinator performance. Finally, the Commission also recently proposed and adopted other actions that provide applicants in various private radio services with the ability to obtain a frequency recommendation from the coordinator of their choice. For example, in our Notice of Proposed Rule Making in PR Docket No. 92-235 (7 FCC Rcd 8105 (1992)), we proposed to consolidate our existing 20 radio services into three broad service categories and to permit applicants in each category to seek frequency coordination from any of several coordinators. In another recent

No. of Copies rec'd 2 copies
List A B C D E

Honorable Fred Upton

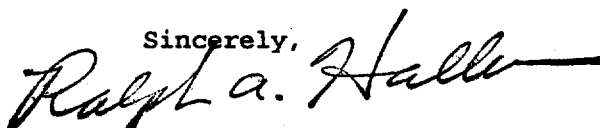
2.

proceeding we proposed to allow applicants for paging channels in the 929-930 MHz band to use any of three different coordinators (see Notice of Proposed Rule Making in PR Docket No. 93-35, 58 Fed. Reg. 17819 (April 6, 1993)); and in a third recently adopted proceeding we permitted applicants for certain 800 MHz channels to choose from any of three certified coordinators rather than be required to obtain coordination from a single designated coordinator (see Report and Order in PR Docket No. 92-209, FCC 93-247, released May 24, 1993).

Your constituent also refers to three motions for declaratory judgment. These petitions concerning various frequency coordination matters are currently under consideration. No decision has yet been reached in these matters.

Thank you for your interest in this matter. I trust this is responsive to your inquiry.

Sincerely,

A handwritten signature in dark ink, reading "Ralph A. Haller" with a long horizontal flourish extending to the right.

Ralph A. Haller
Chief, Private Radio Bureau

ENERGY AND COMMERCE COMMITTEE
SUBCOMMITTEES:
HEALTH AND THE ENVIRONMENT
TRANSPORTATION AND HAZARDOUS MATERIALS
OVERSIGHT AND INVESTIGATIONS

LEADER'S TASK FORCE ON
CAMPAIGN REFORM

SOCIAL SECURITY CAUCUS

ADOPTION COALITION

GREAT LAKES CAUCUS

NORTHEAST-MIDWEST
CONGRESSIONAL COALITION



Congress of the United States
House of Representatives

FRED UPTON
6TH DISTRICT, MICHIGAN

May 26, 1993

*PRB
Fug 5
83-735*

2439 RAYBURN BUILDING
WASHINGTON, DC 20515-2206
(202) 225-3761

535 SOUTH BURDICK STREET
SUITE 225
KALAMAZOO, MI 49007
(616) 385-0039

421 MAIN STREET
ST. JOSEPH, MI 49085
(616) 982-1986

JOAN HILLEBRANDS, STAFF DIRECTOR

2404

Federal Communications Commission
Legislative Affairs
Washington, D.C. 20554

Dear Sir/Madam,

The enclosed is of concern to one of my constituents, Merrill See of Kalamazoo, Michigan. I would appreciate it if you would read this letter carefully and respond to my constituent's concern. Please address your response to me at my Washington office.

Thank you very much for your attention to this matter. If I can provide any further information, please do not hesitate to contact Scott Aliferis of my staff at (202) 225-3761. Until then, I remain

Very truly yours,

Fred Upton
Member of Congress

FSU:sa
Enclosure

PLEASE REPLY TO WASHINGTON OFFICE UNLESS INDICATED: ☐ ST. JOSEPH ☐ KALAMAZOO
SATELLITE OFFICE HOURS IN THREE RIVERS AND STURGIS. CALL THE OFFICE CLOSEST TO YOU FOR INFORMATION.

THIS STATIONERY PRINTED ON PAPER MADE OF RECYCLED FIBERS

C-Comm of Kalamazoo, Inc.

5651 N. 8th St

Kalamazoo, MI 49009

Radio Communications Equipment Sales and Service

APR 22 AM 3:43

4/15/93

Fred Upton

U S House of Representatives

House Office Building

Washington, DC 20515

Dear Fred Upton:

Please forgive me as I am aware that you, in your position, have a myriad of mind boggling things to absorb. In a very abbreviated form I wish to notice you of a Federal agency's continued flagrant violation of Congressional mandates so badly they may in fact, and I believe en masse, have violate Federal Civil Rights laws since Oct, 1986.

I have been serving business and industry in the field of two way radio communications equipment in Southwestern Michigan for over forty years. In serving my customers I have become forced to be involved in dealing with the Federal Communications Commission. Therefore, I must consider myself some kind of stay-at-home not for hire user representative for my customers. Consequently, in some way assisting all members of the free enterprise system in your district. The Federal Communications Commission, as stated in the Communications Act of 1934, as amended, is to "promote the public interest, convenience and necessity" under Congressional guidelines.

Although the House and Senate Telecom Committee members "believe such guidelines are necessary since these services have a direct and substantial impact on the public welfare and the economy", and "encourage competition," this Federal Communications Commission frequently distorts or wilfully disregards these guidelines in favor of powerful self centered, self styled, purported radio user "non-profit" corporation user representatives.

In the 1982 Communications Act Amendment, Congress recognized these groups in their performances as frequency coordination committees for their users in the FCC licensing process as an alternative to the time honored and recognized (in all services) "field engineering" or "field study" method as guidelineed under former 90.175a of FCC Rules and Regulations. This latter method is the method knowledgeable radio communications technicians and engineers with adequate data bases and expertise chose to use due to our knowledge of FCC Rules and local conditions. The usual practice was to assist the customer at no charge or a minimal fee for the services. This the Telecommunications Committee also protected in

both the House and Senate versions.

The S-929 adopted version of this amendment, specifically to make sure of the protection of the field survey/engineering method, added that the amendment should "reflect existing practices," yet in a single move under the FCC "Report and Order 83-737, in the matter of frequency coordination" the FCC disregarded and willfully misrepresented Congressional intent and eliminated us this right and gave it all to Washington lobbyist user representative in total monopoly for each of these user classes. I see nothing in the PL 97-259 ruling that gave authority to do this.

There have been thousands of complaints and Congressional enquiries against outrageous fees and poor services and the FCC was forced to initiate a NNDM on 548 to correct it but it has been effectively stalled